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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,499	06/01/2001	Tadanori Izumi	29288.1000	1524

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,499

Applicant(s)

IZUMI, TADANORI

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (U.S. 6,334,125).

◆ As per claims 1, 4, 7,

Johnson et al (U.S. 6,334,125) discloses an automatic aggregation method for automatically aggregating a plurality of records using a computer, the plurality of records each including a plurality of items including a key parameter and a numerical value which is at least related to the key parameter, the method comprising:

- “A key parameter” corresponds to the key attributes. See Fig. 1, col. 2, lines 44 – 46.
There are three attributes A, B, C that represented a tree structure.
- “A numerical value” corresponds to the value attributes. See Fig. 1B, col. 2, lines 44 – 46.
- “Inputting one of the plurality of records to the computer” See col. 2, lines 47 – 60.
- “Adding at least one node, representing contents of the input record, to a position, corresponding to the key parameter included in the input record, of a hierarchical tree”
See col. 2, lines 47 – 60.

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- “Updating a value of the at least one node” See col. 4, lines 1 – 18, col. 24, lines 35 – 42.
- “Repeating steps (a) through (c) until all the plurality of records are processed ... items”

See col. 2, lines 54 – 55.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (U.S. 6,334,125) further in view of David A. Bader (U.S. 5,467,471).

◆ As per claims 2, 5,

Johnson does not clearly disclose “ the hierarchical tree is represented by a table including a pointer pointing to one node on a level lower by one than that of each node”. Johnson uses a pointer to point to a sub key (col. 3, lines 44 – 55, col. 10, lines 40 - 43), but does not clearly say that a table can represent the tree. However, David A. Bader, discloses a method for automatically aggregating a plurality of records using a computer comprising:

- “ The hierarchical tree is represented by a table including a pointer pointing to one node on a level lower by one than that of each node” See Fig. 2, element 222, 264, col. 5 line 46 – 48, of David.

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- “A pointer pointing to one node on the same level” See Fig. 2, elements 230, 234, 238, col. 5 line 50 – 57, of David.
- “A pointer pointing to one node on a level higher” See col. 5 lines 41 – 45, of David.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of David A. Bader into the system of Johnson because the combination would provide a convenient way in searching for a record using the pointers.

3. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (U.S. 6,334,125) further in view of Morgenstern (U.S. 5,970,490).

♦ As per claims 3, 6,

Johnson does not clearly disclose “Converting the aggregation result for each of the items of the key parameter into the Extensible Markup Language”. However, Morgenstern discloses a method for processing heterogeneous data that comprising the teaching of “data collection/set/aggregate must be complete before processing data” (col. 22, lines 59 – 60, Morgenstern). Further, Morgenstern discloses that the XML and HTML are considered in the structured level (col. 38, lines 15 – 21). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Morgenstern into the system of Johnson because the combination would provide extensibility to address heterogeneous data.

Response to Arguments

1. Applicant's arguments filed 07/06/04 have been fully considered but they are not persuasive.

Applicant argues that Johnson fails to teach “updating a value of the at least one node added to the hierarchical tree and a value of a node on a level higher than that of the at least one node” The Examiner respectfully disagrees.

Referring to col. 24, lines 35 – 47, when inserting a value into a b-tree, Johnson teaches that the system will update the values of all effective leaves, and assume that all effective leaves are located in the highest node in the tree. Clearly, Johnson teaches the claim limitation.

Applicant argues that Johnson fails to teach “ repeating step (a) through (c) until all the plurality of records are processed, thereby outputting an aggregation result for each of items of the key parameter” The Examiner respectfully disagrees.

Referring to col. 7, lines 51 – 55, Johnson teaches about the key parameter where the key parameter corresponds to the key attributes. And the attributes also can include sub attributes (col. 8, lines 46 – 59). Clearly, Johnson teaches the claim limitation.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024.

The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703 – 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Cam-Linh Nguyen
Art Unit 2171

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**ALFORD KINDRED
PRIMARY EXAMINER**